

Following a preliminary review, the Magistrate Judge directed the respondents to show cause as to why the petition should not be granted. On February 17, 2009, the respondents filed a motion to dismiss, asserting that Le could not challenge her ICE detainer

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**ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION**

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until she is in the custody of ICE authorities, and asserting that the BOP policy precluding halfway house placement of inmates with detainers is not unconstitutional.

On April 21, 2009, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R") recommending that the respondents' motion to dismiss be granted, Le's motion under § 2241 be denied and the case be dismissed with prejudice. The R&R also specifically warned that failure to object to the recommendation within ten days of receipt of service would result in the waiver of any appellate rights on this issue. No objections were filed.<sup>1</sup>

Therefore, the Court **ADOPTS** the R&R in its entirety (dkt. no. 24), **GRANTS** the respondents' motion to dismiss (dkt. no. 17), **DENIES** Le's Application for Habeas Corpus under § 2241 (dkt. no. 1) and **ORDERS** the case **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

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<sup>1</sup> The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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The Clerk is directed to transmit a copy of this Order to counsel of record, and to mail a copy to the pro se petitioner, certified mail, return receipt requested.

Dated: May 13, 2009

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE